

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

THOMAS E. PEREZ,)	MISC. NO. 4:16-mc-191-BHH
SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	(Regarding an <i>August 19, 2016</i> hearing)
)	
BEACHSIDE HOME CARE, LLC,)	
)	
Respondent.)	

On the Petition of Thomas E. Perez, the Secretary of Labor, United States Department of Labor (“the Secretary”), the court issued an Order on May 31, 2016, directing Respondent Beachside Home Care, LLC to show cause as to why it should not be required to comply with the Secretary’s Administrative Subpoena *Duces Tecum*. ECF No. 7-1. The Secretary served the May 31, 2016 Order to Show Cause, the Petition, and a copy of the subpoena at issue on Respondent by mail on June 6, 2016, and in person on June 7, 2016. ECF Nos. 5, 6. On July 26, 2016, the Secretary filed a Motion to Set a Hearing Date and for Payment of Costs, ECF No. 7.1, in which he advises the court that Respondent has responded only by providing two responsive items by email. The Respondent has not otherwise responded to the subpoena or the Order to Show Cause. ECF No. 7 at 2. In the pending Motion, the Secretary asks that the court schedule a hearing at which Respondent must appear and produce at the hearing all responsive documents and items not already provided to the Secretary. The Secretary also seeks an order requiring that Respondent pay

¹ The Motion for Hearing has been referred to the undersigned pursuant to 28 U.S.C. § 636. *See* ECF No. 10.

reasonable costs associated with the filing of this Motion and for attendance at the hearing. ECF No. 7.

As Respondent has provided no response to the court's May 31, 2016 Order to Show Cause, it appears Respondent does not take the position that the court should not require Respondent to comply with the Secretary's subpoena. Accordingly, **a representative of Respondent is hereby ORDERED to appear** before the United States District Court for the District of South Carolina, in the United States Courthouse in Florence, South Carolina, located at 401 W. Evans Street, Florence, South Carolina, at **9:30 a.m. on August 19, 2016**. **At that time, Respondent is to produce all remaining, unproduced items and documents listed and described in the subpoena.**


Respondent is advised that its representative **MUST** appear at this hearing and provide the requested items. Failure to appear and provide the requested items may result in a finding of contempt of court, including the requirement that Respondent pay the fees and costs incurred by the Secretary as well as any other appropriate and allowable sanction, including fines.

At the hearing, the Secretary should be prepared to provide information about fees and costs incurred.

IT IS FURTHER ORDERED that a copy of this Order be served upon Respondent in accordance with Rules 4(e) and 4.1 of the Federal Rules of Civil Procedure on or before August 12, 2016.

IT IS SO ORDERED.

August 1, 2016
Florence, South Carolina


Kaymani D. West
United States Magistrate Judge